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SIPDIS

DEPT FOR WHA/AND, L/PM, PM, DS

E.O. 12958: N/A

TAGS: [PGOV](#) [MARR](#) [PE](#)

SUBJECT: DEATH OF PERUVIAN CONTRACTOR IN AFGHANISTAN

REF: DS Command Center Spot Report 12/01/05

1. The Peruvian Foreign Ministry presented Embassy with a diplomatic note received here on 12/7 which requests information on the circumstances of the death of Martin Jara, a Peruvian citizen who was working as a contractor for the U.S. firm MVM Inc. The note also asks the USG to provide information on the operational relations between the contracting and the recruiting companies involved in sending Peruvians to Afghanistan. The Embassy has also received a copy of a press release from 3D Global Solutions, one of the contractors involved in the hiring of Mr. Jara, claiming they are unable to provide information about the circumstances of Mr. Jara's death because they have not received a report on this matter from the State Department. An informal translation of the diplomatic note is contained in paragraph 2, and an informal translation of the 3D Global Solutions press release is contained in paragraph 3. Embassy requests guidance from the Department on how to respond to the diplomatic note.

2. (Begin text of dipnote)

Note RE. (SCP) No. 6-3/458

(Complimentary Opening) and has the honor to refer to the unfortunate death under circumstances still to be determined of Peruvian citizen MARTIN JARA HICHARD, who had been hired by the American corporation MVM Inc. -- by way of the American firm 3D Global Solutions, Inc., and the Peruvian company Wackenhut Peru S.A. -- in order to lend his services in the field of security in Afghanistan.

Based on the information obtained by this Secretariat, MVM Inc. is the contracting company that for purposes of recruiting security personnel for tasks carried out in Afghanistan employed the services of 3D Global Solutions Inc., who likewise contracted the services of Wackenhut Peru S.A. in order to select Peruvian nationals for this job.

On December 2nd, the Secretariat of Peruvian Communities Abroad contacted Mr. Michael Dodd, General Manager of 3D Global Solutions Inc., who despite the serious nature of the events, has only provided contradictory and incomplete accounts of the situation, and hasn't yet complied with our request for a complete report explaining the circumstances under which this regrettable death took place.

In that regard, and in view of the fact that the Peruvian government has an extraordinary interest in this affair, the Ministry of Foreign Relations, Secretariat of Peruvian Communities Abroad would like to request that the Department of Defense, within the framework of the Fundamental Defense Law on Worker's Compensation, and the Department of State of the United States of America (in so far as it may be concerned) carry out with the contracting company whatever actions are necessary in order to obtain such information. The relatives of Mr. Martin Jara and the Peruvian society as a whole have a legitimate interest in the information regarding this case.

Likewise, the Ministry of Foreign Relations, Secretariat of Peruvian Communities Abroad urgently requires that in the shortest period of time, the Legal Advisor of the contracting company state his point of view regarding the way in which the indemnity payments provided for in the insurance coverage extended to the aforementioned Peruvian national should be executed.

Additionally, the Ministry of Foreign Relations, Secretariat of Peruvian Communities Abroad requests the cooperation of the Department of Defense and the Department of State of the United States of America, in order to establish precisely what are the existing operational relations between the contracting and the recruiting companies, since recent experience has shown that none of them can offer timely and precise information regarding Peruvian citizens and the developments which may arise in connection with them.

The Ministry of Foreign Relations, Secretariat of Peruvian Communities Abroad bases its request on the constitutional principle that obliges the Peruvian State to guarantee full enforcement of the fundamental rights of its citizens. Within this framework, Article 44 of the Peruvian

Constitution includes, from the point of view of personal jurisdiction, all persons that live in Peruvian territory, as well as Peruvians who live abroad. Consequently, Peruvians living abroad enjoy the same guarantees granted by the Constitution to persons living in Peruvian territory in all matters that concern their constitutional rights.

Additionally, the legal basis for the duty to offer protection, as well as to extend jurisdiction to Peruvians living abroad, is also supported by provisions in the Vienna Convention on Consular Relations of 1963, as well as provisions in the Ministry of Foreign Relations' Organic Law, Decree Law No. 26112, dated December 29, 1992 and its amendments, which specify the obligations and authority of the Ministry of Foreign Relations and its agencies regarding its Consular Services and the protection and assistance rendered to Peruvians living abroad.

(Complimentary Closing)

Lima, December 5, 2005

(End text of dipnote)

13. (Begin text of press release)

3D Global Solutions brings the following to the attention of the public:

-- Up to today, Wednesday, December 7, 2005, the State Department of the United States of America, which is responsible for the investigation designed to clarify the circumstances and causes of death of Mr. Martin Jara Hichard has not complied with its obligation to inform us of the pertinent results.

-- Due to the foregoing, we wish to state for the record that it is impossible for us to continue providing information on this matter, until we have the official results of the referenced investigation.

-- Likewise, we wish to make it clear that the company with which Mr. Jara Hichard signed a services contract for providing security guard services in the city of Kabul was MVN Inc., a company with which we are subcontractors.

-- Considering the difficult moments that the family of the deceased is going through, we urge the Ministry of External Relations of Peru to use its good offices with the Department of State of the United States in order that they should issue the official results of the aforementioned investigation as quickly as possible.

-- Finally, we wish to inform that Dr. Jose Herrera Robles is the Lawyer we have hired in Peru, and is not, as has been purported in some sectors of the media, our company's legal officer.

Michael Dodd, 3D Global Solutions

(End text of press release)

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